

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 JUL 21 AM 10:56

UNITED STATES OF AMERICA,

Plaintiff,

v.

Rodrigo Adrian BARRA-Guerrero

Defendant.

Magistrate Case No. CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF

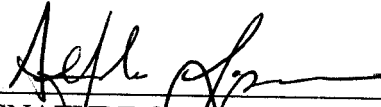
Title 18, U.S.C., Section 1544
Misuse of Passport

'08 MJ 2208

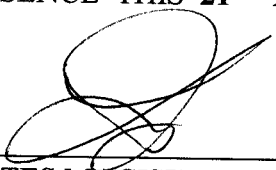
The undersigned complainant being duly sworn states:

On or about **July 18, 2008** within the Southern District of California, defendant **Rodrigo Adrian BARBA-Guerrero**, did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting U.S. Passport number **434315866**, issued to **Philip Martin Shammas**, to a Department of Homeland Security, Customs and Border Protection Officer, knowing full well that he was not **Philip Martin SHAMMAS**, that the passport was not issued or designed for his use, and that he is not a United States citizen entitled to a U.S. Passport. All in violation of Title 18, United States Code, Section 1544.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Alfredo Loperena, Enforcement Officer
Customs and Border Protection

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 21ST DAY OF JULY, 2008.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Manuel Acevedo, declare under penalty of perjury the following to be true and correct:

On July 18, 2008 at approximately 0056 hours, **Rodrigo Adrian BARRA-Guerrero (Defendant)**, applied for admission into the United States from Mexico at the San Ysidro, California Port of Entry, by foot, through pedestrian primary. During primary inspection, Defendant presented a US Passport bearing his photograph and the name of Philip Martin Shammas as his entry document to a Customs and Border Protection (CBP) Officer. CBP Officer queried US Passport in computers system and received a computer generated referral. Defendant stated that he was traveling to San Diego. CBP Officer suspected the US Passport was Photo-Altered and escorted Defendant to the secondary area for further inspection.

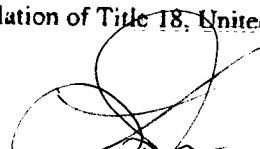
In secondary, the US Passport was determined to being Photo-Altered and had been reported Lost/Stolen on or about May 31, 2008. Defendant was queried by ten-digit fingerprint and photograph submission through the Automated Biographic Identification System and Integrated Automated Fingerprint Identification System (IDENT/IAFIS). IDENT/IAFIS returned a match to the query, verifying Defendant's identity and linking him to Immigration Service and FBI records. IDENT/IAFIS returned a match to the query, identifying Defendant as a citizen of Chile.

During a video recorded interview, Defendant was advised of his Miranda rights. Defendant acknowledged his rights and agreed to answer questions without benefit of counsel. During a subsequent interview, Defendant admitted he had dual citizenship and is a citizen of Mexico and Chile with no document or other benefit that would permit his legal entry into the United States. Defendant stated if successful in entering the United States he was to travel to Los Angeles, California where he was to live with his girlfriend. Defendant admitted that he paid \$1,200 USD to use the US Passport to attempt to enter the United States illegally. Defendant stated that a male took his picture, which was then inserted in the US Passport that he used to attempt to enter the United States. Defendant stated he knowingly and willfully used a passport issued to another with the intent to gain admission into the United States.

EXECUTED ON THIS 18 DAY OF JULY 2008 AT 1422.


M. Acevedo / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of one page, I find probable cause to believe that the defendant named therein committed the offense on July 18, 2008 in violation of Title 18, United States Code, Section 1544.


MAGISTRATE JUDGE

July 19, 2008, 2 PM
DATE / TIME